

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MAKHINBONU NARZULLAEVA,	:	
	:	S1 20 Cr. 681 (JPC)
Defendant.	:	
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WHEREAS, on or about December 21, 2020, MAKHINBONU NARZULLAEVA, (the "Defendant"), among others, was charged in a five-count superseding indictment, S1 20 Cr. 681 (JPC) (the "Indictment"), with conspiracy to commit mail fraud, wire fraud, and health care fraud, in violation of Title 18, United States Code, Section 1349 (Count One); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Two); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three); healthcare fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Four); and conspiracy to violate the Anti-Kickback Statute, in violation of Title 18, United States Code, Section 371 (Count Five):

WHEREAS, the Indictment included a forfeiture allegation as to Count Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Five of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the offense charged in Count Five of the Indictment;

WHEREAS, on or about September 22, 2022, the Defendant pled guilty to Count Five of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant

admitted the forfeiture allegation with respect to Count Five of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), a sum of money in United States currency representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$49,450 in United States currency representing proceeds traceable to the offense charged in Count Five of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Five of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Nicholas Chiuchiolo and Daniel Nessim, of counsel, and the Defendant and her counsel, Margaret M. Shalley Esq., that:

1. As a result of the offense charged in Count Five of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$49,450 in United States currency (the "Money Judgment"), representing proceeds traceable to the offense charged in Count Five of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MAKHINBONU NARZULLAEVA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. In satisfaction of the Money Judgment, the Defendant shall pay monthly installments of 5% of her monthly income.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:

  
\_\_\_\_\_  
DANIEL NESSIM  
NICHOLAS CHIUCHIOLO  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2486 / 1247

June 8, 2023  
DATE

By:

  
\_\_\_\_\_  
MAKHINBONU NARZULLAEVA


6/8/23  
DATE

By:

  
\_\_\_\_\_  
Margaret M. Shalley, Esq.  
225 Broadway - Suite 113  
New York, NY 10007  
Phone: (917) 841-0231

6/8/23  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE JOHN P. CRONAN  
UNITED STATES DISTRICT JUDGE

June 12, 2023  
DATE